



Paper No. 6

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**OCT 10 2001**

In re Application of  
Alan Mikhak  
Application No. 09/706,360  
Filed: November 2, 2000  
Attorney Docket No. 4059/CAG/B6  
For: WIRELESS CABLE REPLACEMENT SYSTEM

**OFFICE OF PETITIONS**  
DECISION GRANTING STATUS  
UNDER 37 CFR 1.47(b)

This is in response to the "Petition Under 37 CFR 1.47(b)" filed September 20, 2001 (certificate of mailing dated September 12, 2001.)

The petition is **GRANTED**.

The above-identified application was filed on November 2, 2000, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed on December 12, 2001, requiring an executed oath or declaration, filing and additional claim fees, and a surcharge for the late filing of the oath or declaration.

On September 20, 2001, petitioner filed the instant "Petition Under 37 CFR 1.47" and obtained a five (5) month extension of time to file a reply. In support of the petition, petitioner filed an executed declaration in accordance with 37 CFR 1.63, and declarations offered by D. Bruce Prout, Christopher C. Wisdale, and Ahmadreza Rofougaran on behalf of the 37 CFR 1.47(b) applicant. Petitioner also submitted relevant correspondence exchanged between petitioner and the attorneys for the non-signing inventor.

Petitioner has shown that the sole named inventor, Alan Mikhak, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the instant petition and the declaration of Mr. Prout indicate that the complete application papers were sent to Mr. Mikhak's attorney to which no response (in the form of an executed declaration under 37 CFR 1.63) has been received to date. Petitioner has also shown that sufficient proprietary interest exists to accord status under 37 CFR 1.47(b) and that the filing of the petition was necessary to preserve the interests of 37 CFR 1.47(b) applicant.

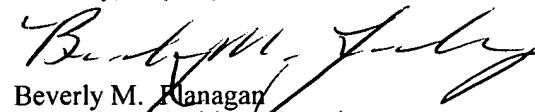
The petition states, "I further hereby petition that any patent which may issue from the Application be issued to Broadcom Corporation." Petitioner has failed to comply with 35 USC 152 and 37 CFR 3.81. An assignment of the entire right, title, and interest in the invention has not been recorded. The inventor and assignee currently dispute ownership rights in the instant invention. The Patent and Trademark Office is not the forum for resolving a dispute between inventors and assignees as to ownership rights, Petitioner has not established that it is the assignee of the entire interest, but petitioner has established ownership interest sufficient to allow it to act as the Rule 47(b) applicant.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). The application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of :  
Alan Mikhak :  
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LETTER

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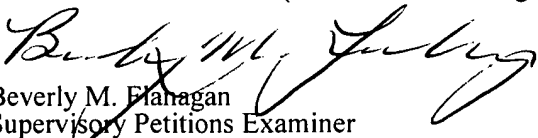
**OFFICE OF PETITIONS**

Dear Mr. Mikhak:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the sole inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Christie, Parker & Hale, LLP  
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